



**BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF
THE SUPREME COURT OF OHIO**

In re: :
:
:
KEVIN O'BRIEN : **2019-027**
Attorney Registration No. 0028108 :
995 S. High Street :
Columbus, Ohio 43206 :
:
:
RESPONDENT, :
:
By :
:
:
COLUMBUS BAR ASSOCIATION :
175 S. Third Street, Suite 1100 :
Columbus, Ohio 43215

RESPONDENT KEVIN JOHN O'BRIEN'S MOTION FOR MEDICAL CONTINUANCE

Now comes Respondent by and through the undersigned counsel and hereby requests a continuance of the hearing scheduled for February 5-6, 2020 in this instant action. A brief Memorandum in support of Respondent's motion follows.

Respectfully,

/s/ Kevin O'Brien

Kevin O'Brien

MEMORANDUM

Respondent's current physical condition has swiftly and drastically worsened in the recent weeks. Respondent has been chronically ill since August 2019, but his health has acutely changed in the last two weeks. Participation in a hearing or trial of this instant matter would be a detriment to Respondent's current condition and delay wellness. Attached is a letter from



Respondent's health care professional stating his inability to attend a hearing next week, February 5-6, 2020 Exhibit 1.

To the extent that a continuance for medical reasons is cost prohibitive to the Relator, the Relator stated in the prehearing telephone conference on January 30, 2020 that the out of town witnesses they intend to call will be appearing by video-conferencing and have motioned the Panel for permission to do so. Therefore, neither the Relator or Relator's witnesses would incur any airline ticket or hotel cancellation fees. The four witnesses, Gillian Madsen, Mike Filla, Ross Kleiman and Jim Tucker, are the only out of town witnesses identified, the Relator's remaining witnesses are local to the Columbus area.

Respondent will not be able to competently or physically participate in his defense and due to the gravity of the outcome of this matter, Respondent's lack of participation would be prejudicial.

For the foregoing reasons, Respondent respectfully moves the Panel for a continuance of the scheduled hearing.

Respectfully submitted,

/s/ Kevin O'Brien

Kevin O'Brien

Kevin O'Brien & Associates Co. LPA

995 South High St.

Columbus, Ohio 43206

Respondent

CERTIFICATE OF SERVICE

The true and accurate copy of the Respondent Kevin John O'Brien's Exhibit List was served upon the following via electronic mail on February 1, 2020.

Amy Lynn Bostic (0040139)
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/s/ Kevin O'Brien
Kevin O'Brien



Department of Veterans Affairs

Work Excuse Form

Chalmers P. Wylie VA Ambulatory Care Center
Department of Veterans Affairs
420 North James Road
Columbus, OH 43219

The patient was treated at the Chalmers P. Wylie VA Ambulatory Care Center on: 1/31/20

The patient is unable to work/attend school from: N/A

The patient can return to work /attend school on: N/A

The patient may return to work /attend school with the following restriction(s) and duration(s):
Mr O'Brien was seen in the urgent care today for an unspecified medical condition which included symptoms of pain and bleeding. Until he is more fully evaluated by a specialist next week, and/or his symptoms are brought under better control, he will be unable to participate in proceedings involving prolonged sitting or standing, or settings not conducive to frequent bathroom breaks. Please excuse him from scheduled meetings on 2/4 and 2/5.

A handwritten signature in cursive script that reads "Scott McKeon".

Physician Name: Scott McKeon

Work Excuse Form